6P 2153 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Limor Schweitzer et al.

Application No.: 09/935,130

Filed: 08/21/2001

For: DATABASE MANAGEMENT AND RECOVERY IN)

A NETWORK-BASED FILTERING AND

CREGATING PLATFORM

DATABASE MANAGEMENT AND RECOVERY IN)

A NETWORK-BASED FILTERING AND

CREGATING PLATFORM

Attorney Docket No.: XACTP014C

Examiner: Unassigned

100 25 -5-

Group Art Unit: 2155

Date: July 17, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, Washington, DC 20231 on July 17, 2002.

Signed

Brica L. Mann

Technology Center 2100

Sir:

Commissioner for Patents Washington, DC 20231

Please file the attached Amendment and Petition to Add to Inventor in the above-identified application.

If any required fees are missing or any additional fees are required to facilitate this request, please charge such fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. <u>XACTP014C</u>). A copy of this sheet is enclosed for billing purposes.

Respectfully submitted, Silicon Valley IP Group, LLC.

Kevin J. Zilka

Registration No. 41,429

P.O. Box 721120

San Jose, CA 95172-1120 Telephone: (408) 971-2573

(Revised 1/96)

1



Practitioner's Docket No. XACTP014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: L. Schewitzer et al.

Application No.: 09/442,876

Filed: 11/18/1999

Group No.: 2155

Examiner: Wiley, D.

For: NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD

Commissioner for Patents Washington, D.C. 20231

AMENDMENT, PETITION AND FEE TO DELETE AND/OR ADD TO ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED INVENTOR(S) IN DECLARATION-NONPROVISIONAL APPLICATION-(37 C.F.R. scetion 1.48(a))

in the ECEIVED Technology Center 2100 1. This amendment and petition is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. section 1.48(a) as set forth and filed on May 9, 2000.

2. Addition and/or Deletion of Inventor(s)

Add the following previously unnamed person(s) as inventor(s) of this application: Tal Givoly

3. Attachments

Attached is:

- (a) A statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. section 1.48(a)(1).
- (b) A declaration by each of the actual inventor(s) as required by 37 C.F.R. section 1.63 (or as permitted by sections 1.42, 1.43, OR 1.47). 37 C.F.R. section 1.48(a)(2).
- (c) Written consent of the assignee. 37 C.F.R. section 1.48(a)(4).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 11/26/2001

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office. (703) - 305-3719

Erica L. Mann

(type or print name of person certifying)

4. Fee Payment (37 C.F.R. section 1.17(i))

The fee required by 37 C.F.R. section 1.17(i) is paid as follows:

The Commissioner is Authorized to charge Deposit Account No. 50-1351 (Order No. XACTP014) for the required fee of \$130.00. The Commissioner is also authorized to charge any fee deficiency or credit any overpayment to said account.

Signature of Practitioner

Reg. No.: 41,429

Tel. No.: 408-971-2573 Customer No.: 28875 Kevin J. Zilka Silicon Valley IP Group P.O. Box 721120

San Jose, CA 95172-1120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

L. Schweitzer et al.

Filed:

Application No.: 09/442,876 11/18/1999 Group No.: 2155

Examiner: Wiley, D.

For:

NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD

Commissioner for Patents

STATEMENT UNDER 37 C.F.N. SEESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTUAL 29 2002

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PSO in this matter.

CERTIFICATION UNDER 37 C.F.R. § § 1.8(a) and 1.10* (When using Express Mail, the Express Mail label number is mandatory; **Express Mail certification is optional)**

I hereby certify that, on the date shown below, this correspondence is being:

•	
	AILING
☐ deposited with the United States Postal Service in an envelope addr 37 CFR 1.84	ressed to the Assistant Commissioner of Patents, Washington D.C. 20231
☐ with sufficient postage as first class mail.	as "Express Mail Post Office to Addressee" Mailing Label
	No
facsimile transmitted to the Patent and Trademark Office, 703	NSMISSION 5-37.19
	Erica J. Main
Date: November 26, 2001	Signature
•	

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Erica L. Mann Type or print name of person certifying

IDENTIFICATION OF ASSIGNEE

2. Name of assignee:

XACCT Technologies

Type of assignee:

Corporation

PERSON AUTHORIZED TO SIGN

3. Name of person authorized to sign on behalf of assignee: Rick Van Hoesen Title of person authorized to sign: Vice President and Chief Financial Officer

I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1. An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at Reel 010788, Frame 0023.

Date

Rick Van Hoesen

Vice President and Chief Financial Officer

XACCT Technologies

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: L. Schweitzer et al.

Application No.: 09/442,876 Filed: 11/18/1999

Group No.: 2155

Examiner: Wiley, D.

For: NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD

Commissioner for Patents Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. SECTION 1.48(A)(1)

- 1. My name is Limor Schweitzer. I reside at 2900 Lakeside Drive, Santa Clara, California 95054.
- 2. I am an inventor of the patent application entitled NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD, that was filed on November 18, 1999 under serial number 09/442,876.

 I, the person signing below, hereby the patent application of item 2 occurred 	state that the error in omitting Tal Givoly as d by error, without deceptive intent	an inventor of RECEIL
		Technology Center 2100
16-Nov-2001		
Date	Limor Schweitzer	

Practitioner's Docket No. XACTP014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re-application of L. Schweitzer et al.

Application No.: 09/442,876

Filed: 11/18/1999

Group No.: 2155 Exeminer: Wiley, D.

FOF NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD

Commissioner for Patents Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. SECTION 1.48(A)(1)

RECEIVED

JUL 2 9 2002
Technology Center 2100

- 970 Terra ce Ov., LOS-ACTOS, C. P., 94024

 1. My name is Eran Wagner. I reside at 20677 Forge Way, Apr. 217, Cuportino, California 95014.
- 2. I am an inventor of the patern application entitled NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD, that was filed on November 18, 1999 under serial number 09/442,876.
- 3. I, the person signing below, hereby state that the error in orbitting Tal Givoly as an inventor of the patent application of item 2 occurred by error, without deceptive intent.

11/21/01

Date

PARTITION NO YACTIMIA

Practitioner's Docket No. XACTP014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: L. Schweitzer et al.

Application No.: 09/442,876

filed: 11/18/1999

Group No.: 2155 Examiner: Wiley, D.

OT: NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD

Commissioner for Patents Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. SECTION 1.48(A)(1)

- 1. My name is Tal Givoly. I reside at 10141 Orange Avenue, Cupertino, California 95014.
- RECEIVED

 Technology Center 2100 2. I am an inventor of the patent application entitled NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD, that was filed on November 18, 1999 under serial number 09/442,876.
- 3. I, the person signing below, hereby state that the error in omitting myself as an inventor of the patent application of item 2 occurred by error, without deceptive intent.

Date

Tal Givoly



RECEIVED

Technology Center 2100



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: L. Schweitzer et al.

Application No.: 09/442,876

Filed: 11/18/1999

Group No.: 2155 Examiner: Wiley, D.

For: NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD

Commissioner for Patents Washington, D.C. 20231

ASSENT OF ASSIGNEE TO CORRECTION AND/OR ADDITION OF INVENTOR(S)

Name of Assignee:

XACCT Technologies

Address of Assignee:

2900 Lakeside Drive, Suite 100 Santa Clara, CA 95054

Assignment was recorded on May 12, 2000 at, Reel 010788 and Frame 0023. A copy of the Recorded Assignment is attached.

RIGHT OF ASSIGNEE TO TAKE ACTION

A STATEMENT UNDER 37 C.F.R. section 3.73(b) is attached.

Rick Van Hoesen

Vice President and Chief Financial Officer

XACCT Technologies

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 11/26/2001

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office. (703) 305-3719

Signature

Ă

Erica L. Mann

(type or print name of person certifying)

DECLARATION FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. XACTP014

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

l believe that l am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD, the specification of which,

NET WORK ACCOUNTING A	HAD DIEDLING OF OTDIVITIES	, , , , , , , , , , , , , , , , , , , ,		
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(O 'S \(\frac{\pi}{2}\)	U.S. Application Serial	No. <u>09/442,876</u>		Elle
	and was amended on	September 19, 2001	<u> </u>	JUI O ED
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PATENT 8 3.	was filed on		as	1110100110 <1002
		ication Serial No.		enies -
	and was amended on		•	·° ⁷ 2100
I hereby state that I have rev amended by any amendment re	viewed and understand the eferred to above.	contents of the above-id	lentified specifica	RECEIVED Technology Center 2100 tion, including the claims, as
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I acknowledge the duty to disc CFR § 1.56.	lose information which is ma	aterial to the examination	n of this application	on in accordance with Title 37,
certificate, or PCT International Prior Foreign Application(s)	al application having a filing	date before that of the ap	Prio	ation for patent or inventor's h priority is claimed: rity Benefits Claimed? Yes \(\sum_{No} \)
PCT/US98/24963	<u>PCT</u>	11/20/1998	🔼	res [_]No
(Appl. No.)	(Country)	(Filing Date)		
				res No
/41 No.)	(Country)	(Filing Date)		
(Appl. No.)	(Country)	(1		
			🗅	Yes No
(Appl. No.)	(Country)	(Filing Date)		
I hereby claim the benefit und	er 35 U.S.C. §119(e) of any l	United States provisional	application(s) list	ed below:
60/066,898	11/20/1997	_		
(Application Serial No.)	(Filing Date)			
60/109,095	11/19/1998			
(Application Serial No.)	(Filing Date)			
I hereby claim the benefit un	der Title 35, United States (Code, § 120 of any Unit	ed States applicates the subject mat	tion(s), or § 365(c) of any PCT ter of each of the claims of this

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s) (Application Serial No.) (Filing Date) (Status - patented, pending, abandoned) (Application Serial No.) (Filing Date) (Status - patented, pending, abandoned) Send Correspondence To: Silicon Valley IP Group P.O. BOX 721120 San Jose, California 95172-1120 Direct Telephone Calls To: Kevin Zilka at telephone number (408) 971-2573 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Typewritten Full Name of Sole or First Inventor: Limor Schweitzer Citizenship: Israel Inventor's signature: - Date of Signature: 16-Nov-2001 Residence: (City) Santa Clara (State/Country) Post Office Address: 2900 Lakeside Drive, Santa Clara, California 95054 Typewritten Full Name of Joint or Second Inventor: Eran Wagner Citizenship: US Inventor's signature: Date of Signature: Residence: (City) Cupertino (State/Country) _____CA /USA Post Office Address: 20677 Forge Way, Apt. 217, Cupertino, California 95014 Typewritten Full Name of Joint or third Inventor: Tal Givoly Citizenship: Israel Inventor's signature: Date of Signature:_ Residence: (City) Cupertino (State/Country) <u>CA</u>/USA

Post Office Address:

10141 Orange Avenue, Cupertino, California 95014

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DECLARATION FOR ORIGINAL U.S. PATENT APPLIC	ATION
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Attorney's Docket No. XACTP014

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As a below-named inventor, 1 has	reby declare that:			
My residence, post office address	and citizenship are as s	tated below next to my name.		
believe that I am the original, finances are listed below) of the suiter WORK ACCOUNTING AN	biect matter which is cla	imed and for which a patent is so	UNTILE OU CUE IUAERINOU	joint inventor (if plural entitled:
(check one) . 1.	is attached hereto.			N -
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	was filed on	# - 1 - 5 - 1-1 DT-	88	Centa Centa
Q E JC10 32 X	International PCT A and was amended or	pplication Serial No.		Technology Center 21
I hereby state that I have review by any amendment referred to at	ved and understand the cove.	contents of the above-identified	specification, including	the claims, as amended
I acknowledge the duty to disc CFR § 1.56.	lose information which	is material to the examination of	of this application in a	ccordance with Title 37,
United States, listed below and or PCT International application	have identified below, to having a filing date before	oy checking the box, any to ego one that of the application on wh	ich priority is claimed:	nefits Claimed?
Prior Foreign Application(s)	PCT	11/20/1998	Yes [
PCT/US98/24963 (Appl. No.)	(Country)	(Filing Date)		
(Appl. No.)	(COMMA)	(Yes [INO.
(Appl. No.)	(Country)	(Filing Date)		
			Yos [No
(Appl. No.)	(Country)	(Filing Date)	_	
I hereby claim the benefit under	35 U.S.C. §119(e) of a	ny United States provisional app	lication(s) listed below	4
60/066,898	11/20/199			
(Application Serial No.)	(Filing Da	te)		
60/109,095	11/19/199	8		
(Application Serial No.)	(Filing Da	te)		·
International application design	nating the United States the union United States of	tes Code. § 120 of any United s, listed below and, insofar as to or PCT International application	in the manner provide	d by the first paragraph of
Title 35, United States Code, §	112. I acknowledge the	s duty to disclose information w	nich is material to pate	restrictly as defined in Title

37. Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application:

Attny Docket No. XACTP014

Page 1 of 2

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Application Serial No.)	(Filing Date)	(Status - parented, pending, abandoned)
Application Serial No.)	(Filing Date)	(Status - parented, pending, abandoned)
iend Correspondence To:	Silicon Valley I P.O. BOX 7211 San Jose, Califo	P Group 20 ornia 95172-1120
Direct Telephone Cails To:	Kevin Zilka at tele	phone number (408) 971-2573
nade are punishable by fine or	imprisonment, or both, under se the validity of the application or	made with the knowledge that wilfful false statements and the ction 1001 of Title 18 of the United States Code, and that sucessy patent issuing thereon.
Sole or First Inventor:	Limor Schweitzer	Cirizenship:Israel
Inventor's signature:		Date of Signature:
Residence: (City)	Santa Clara	(State/Country) CA /USA_
Post Office Address:	2900 Lakeside Drive, Santa	Clara California 95054
Typewritten Full Name of Joint or Second Inventor:	Eran Wasner	Chizenship: US
Inventor's signature:	Transflegen	Date of Signature:
Residence: (City)	Supertino LOS-ALTO	
Post Office Address:	20577 Forge Way, Apt. 21	LOS-ACTOS, C.A., 94024 2. Cupatino, California 98014-
Typewritten Full Name of Joint or third Inventor:	Tel Givoly	Citizenship:
Inventor's signature:		Date of Signature:
Residence: (City)	Cupertino	(State/Country) CA /USA
Post Office Address:	10141 Orange Avenue, Cu	pertino. California 95014

Anny Docket No. XACTP014

Page 7 of 2

DECLARATION FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. XACTP014

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD, the specification of which,

(check one)	1.	is attached hereto.		
QE JC,	2. X	was filed on <u>Novem</u> U.S. Application Serial N and was amended on	nber 18, 1999 as No. 09/442,876 September 19, 2001	RECEIVEL JUL 2 9 2002 Granton, including the claims, as amended
/ 1/1/2	<i>§</i> 3. □	was filed on	0.2331	as Tech- 2 9 2002
AATENT 8	RA	International PCT Apple	cation Sensi No.	Jology Co.
OLCH.		and was amended on		enter 2100
I hereby state that by any amendment	I have reviewed referred to above	d and understand the control ve.	ents of the above-identified specification	ication, including the claims, as amended
I acknowledge the CFR § 1.56.	duty to disclos	se information which is m	naterial to the examination of this	application in accordance with Title 37,
patent or inventor'	s certificate, or d below and ha	§ 365(a) of any PCT Interve identified below, by ch	ernational application which design	365(b) of any foreign application(s) for nated at least one country other than the cation for patent or inventor's certificate, ority is claimed:
			••	•
				Priority Benefits Claimed?
Prior Foreign App PCT/US98/24963	plication(s)	PCI	11/20/1998	
Prior Foreign App	plication(s)			Priority Benefits Claimed?
Prior Foreign App PCT/US98/24963	plication(s)	PCT	11/20/1998	Priority Benefits Claimed? Yes No
Prior Foreign App PCT/US98/24963 (Appl. No.)	plication(s)	PCT (Country)	11/20/1998 (Filing Date)	Priority Benefits Claimed?
Prior Foreign App PCT/US98/24963	plication(s)	PCT	11/20/1998	Priority Benefits Claimed? Yes No
Prior Foreign App PCT/US98/24963 (Appl. No.)	plication(s)	PCT (Country)	1 1/20/1998 (Filing Date) (Filing Date)	Priority Benefits Claimed? Yes No
Prior Foreign App PCT/US98/24963 (Appl. No.)	plication(s)	PCT (Country)	11/20/1998 (Filing Date)	Priority Benefits Claimed? Yes No
Prior Foreign App PCT/US98/24963 (Appl. No.) (Appl. No.)	plication(s)	PCT (Country) (Country)	1 1/20/1998 (Filing Date) (Filing Date)	Priority Benefits Claimed? Yes No Yes No Yes No
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Prior Foreign App PCT/US98/24963 (Appl. No.) (Appl. No.) (Appl. No.) I hereby claim the 6 60/066.898 (Application Serial	plication(s)	(Country) (Country) (Country) 5 U.S.C. §119(e) of any Unit 11/20/1997 (Filing Date)	(Filing Date) (Filing Date)	Priority Benefits Claimed? Yes No Yes No Yes No
Prior Foreign App PCT/US98/24963 (Appl. No.) (Appl. No.) (Appl. No.)	benefit under 35	PCT (Country) (Country) (Country) 5 U.S.C. §119(e) of any U:	(Filing Date) (Filing Date)	Priority Benefits Claimed? Yes No Yes No Yes No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Attny Docket No. XACTP014

Page 1 of 2

Prior U.S. Application(s)			
(Application Serial No.)	(Filing Date)	(Status - patented, pending, abar	ndoned)
(Application Serial No.)	(Filing Date)	(Status - patented, pending, abar	ndoned)
Send Correspondence To:	Silicon Valley II P.O. BOX 72112 San Jose, Califo		
Direct Telephone Calls To:		phone number (408) 971-2573	
are believed to be true; and furt	L shoe shoes contements WOFD !	wiedge are true and that all statements made with the knowledge that willfultion 1001 of Title 18 of the United Stary patern issuing thereon.	THIS STATELLING THE THE THE
Typewritten Full Name of Sole or First Inventor:	Limor Schweitzer	Citizenship:	Israel
Inventor's signature:		Date of Signature:	
Residence: (City)	Santa Clara	(State/Country)	CA /USA
Post Office Address:	2900 Lakeside Drive, Santa (Clara, California 95054	<u> </u>
Typewritten Full Name of Joint or Second Inventor:	Eran Wagner	Citizenship:	US
Inventor's signature:		Date of Signature:	
Residence: (City)	Cupertino	(State/Country)	CA /USA
Post Office Address:	20677 Forge Way, Apr. 217	Cupertino, California 95014	
Typewritten Full Name of Joint or third Inventor:	Tal Givoly	Citizenship:	Israel
Inventor's signature:	Men	Date of Signature:_	11/15/01
Residence: (City)	Cupertino	(State/Country)	CA /USA

Post Office Address:

10141 Orange Avenue, Cupertino, California 95014